

Message Text

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TO USDEL SECRETARY IMMEDIATE

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FOR FUNSETH FROM S/PRS

E.O. 11652: N/A

TAGS: OVIP (KISSINGER, HENRY A.)

SUBJECT: WASHPOST ARTICLE, MAY 22

NO. 14

FOLLOWING FULL TEXT ARTICLE BY TIMOTHY ROBINSON, ENTITLED
"KISSINGER, NIXON DIFFER ON WIRETAP"

SECSTATE HAS DISPUTED UNDER OATH FORMER PRESIDENT NIXON'S
SWORN TESTIMONY THAT KISSINGER HAD AUTHORITY TO EVALUATE
AND RECOMMEND REMOVAL OF NIXON ADMINISTRATION'S WIRETAPS
ON GOVT OFFICIALS AND NEWSMEN.

"MY RELATIONSHIP TO PROGRAM WAS PRIMARILY AS A CONSUMER,
OR A PASSIVE ONE... IT WAS NEVER MY PERCEPTION THAT I HAD
ANY RESPONSIBILITY FOR TERMINATION OF TAPS," KISSINGER
TESTIFIED IN A DEPOSITION FILED IN A LAWSUIT OVER SO-CALLED
"NATIONAL SECURITY" WIRETAPS.

WIRETAPS ON 17 NEWSMEN AND GOVT OFFICIALS WERE INITIATED
AS PART OF A PROGRAM TO STOP ALLEGED LEAKS OF CLASSIFIED
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INFORMATION TO PRESS. DEPOSITION WAS FILED IN A \$3 MILLION

CIVIL SUIT BROUGHT BY HALPERIN, A FORMER AIDE TO KISSINGER
ON NSC AND ONE OF THOSE PERSONS TAPPED.

HALPERIN IS SUING NIXON, KISSINGER AND SEVERAL OTHER FORMER
OR PRESENT GOVT OFFICIALS.

NIXON HAD TESTIFIED IN AN EARLIER DEPOSITION IN SAME SUIT
THAT KISSINGER COULD "EVALUATE TAPS OVER A PERIOD OF TIME"
AND THAT LATE FBI DIRECTOR HOOVER "WOULD GIVE VERY GREAT
WEIGHT TO KISSINGER'S RECOMMENDATION THAT A TAP BE REMOVED."

NIXON CONTENDED, AS DID KISSINGER IN HIS TESTIMONY, THAT HOO
HAD FINAL SAY ABOUT WHEN A TAP COULD BE INITIATED OR ENDED.
THREE OTHER DEFENDANTS IN SAME CASE -- FORMER ATTY GENERAL
JOHN MITCHEL, EX-FBI OFFICIAL CARTHA DELOACH AND EX-WHITE
HOUSE AID JOHN EHRLICHMAN -- HAVE TESTIFIED THEY UNDERSTOOD
TAPS TO BE UNDER KISSINGER'S DIRECTION AND CONTROL.

KISSINGER'S ROLE IN WIRETAP PROGRAM HAS BEEN MAJOR SOURCE OF
CONTROVERSY AND EMBARRASSMENT FOR SECSTATE. WHILE SECRETARY
CONTINUES TO MAINTAIN HIS ROLE IN PROGRAM WAS MINOR AND
LIMITED TO SUPPLYING NAMES FOR POSSIBLE TAP SUBJECTS, SUIT
ALLEGES KISSINGER PLAYED A LARGER ROLE AND ACTUALLY CON-
TROLLED INITIATION AND TERMINATION OF SURVEILLANCES.

KISSINGER PREVIOUSLY HAS ANSWERED WRITTEN QUESTIONS UNDER
OATH IN SAME LAWSUIT, BUT DEPOSITION FILED YESTERDAY WAS
FIRST IN WHICH HE WAS CROSS-EXAMINED BY HALPERIN'S ATTYS.

SECRETARY DESCRIBED TAP PROGRAM AND DOCUMENTS SENT TO HIM
AS "A VERY MINOR PART OF MY ACTIVITIES" IN WHITE HOUSE AS
NATIONAL SECURITY ADVISER AT TIME. THEREFORE, HE TESTIFIED,
HIS MEMORY CONCERNING PROGRAM IS SPOTTY.

"YOU HAVE TO REMEMBER THAT THESE TAPS HAVE ASSUMED AN ALL-
CONSUMING IMPORTANCE, TO SOME PEOPLE AT LEAST," KISSINGER
TESTIFIED. "AT THAT TIME, TO ME THEY WERE AN OCCASIONAL
LETTER THAT WANDERED ACROSS MY DESK AMONG HUNDREDS OF
DOCUMENTS."

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KISSINGER STOOD BY HIS EARLIER TESTIMONY THAT WIRETAP PROGRA
WAS FIRST DISCUSSED IN A WHITE HOUSE MTG BETWEEN HIMSELF,
HOOVER, MITCHELL AND NIXON ON APRIL 25, 1969.

WHITE HOUSE LOGS FOR THAT DAY DO NOT REFLECT SUCH A MTG.
KISSINGER SAID HE COULD NOT "EXPLAIN" WHY THERE ARE NO
RECORDS OF SESSION BUT THAT "MY RECOLLECTION OF MEETING IS
EXTREMELY PRECISE."

KISSINGER SAID HE COULD NOT REMEMBER WHO ASKED HIM TO SUPPLY NAMES OF SPECIFIC PERSONS WHO HAD ACCESS TO CLASSIFIED INFORMATION, BUT THAT SUCH A REQUEST WAS MADE. HE TESTIFIED EARLIER IN SUIT THAT HOOVER WAS FIRST PERSON TO SUGGEST HALPERIN BY NAME AS A TAP TARGET.

HE SAID HE DID NOT KNOW DETAILS OF OPERATION ONCE IT BEGAN. THERE HAS BEEN TESTIMONY THAT PROGRAM WAS SHROUDED WITH UNUSUAL SECRECY, EVEN FOR NATIONAL SECURITY WIRETAPS.

KISSINGER SAID IN DEPOSITION THAT AT APRIL MTG HOOVER PROVIDED WHAT WAS, TO HIM, "STARTLING PIECE OF INFORMATION" THAT PREVIOUSL ADMINISTRATIONS HAD USED WIRETAPS TO SEEK OUT LEAKS OF GOVT INFORMATION.

"WHOTE SUBJECT WAS ONE THAT I DID NOT PARTICUARLY UNDERSTAND OR WAS PARTICULARLY WILD ABOUT," KISSINGER TESTIFIED. HE SAID HE WENT ALONG WITH IDEA TO TAP HALPERIN BECAUSE HE VALUED HALPERIN'S CONTRIBUTIONS TO NSC AND WANTED TO KEEP HIM ON STAFF.

"...I RELUCTANTLY WENT ALONG WITH THIS APPROACH AS LESSER OF TWO EVILS, IN MY VIEW -- AND AS BEING NECESARY IN INTEREST OF NATIONAL SECURITY," KISSINGER TESTIFIED. HE PRAISED HALPERIN THROUGHOUT DEPOSITION, DESCRIBING HIM AS ONE OF FIRST PERSONS WHOM HE CONTACTED AS A POSSIBLE CO-WORKER WHEN HE WAS HIRED BY NIXON ADMINISTRATION.

KISSINGER SAID, AS HE HAD BEFORE, THAT OTHER PERSONS IN ADMINISTRATION WERE OPPOSED TO HIS HIRING HALPERIN BECAUSE OF HALPERIN'S POLITICAL PHILOSOPHIES AND HIS CONNECTIONS WITH PREVIOUS DEMOCRATIC ADMINISTRATIONS.
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"MR. HOOVER REPLIED THAT ONLY SOLUTION (FOR TRACING LEAKS) WAS WIRETAPPING, WHICH HAD BEEN DONE EXTENSIVELY, AS I REMEMBER HIS WORDS, IN PREVIOUS ADMINISTRATIONS," KISSINGER CONTINUED.

"MY UNDERSTANDING IS THAT PRESIDENT ORDERED WHOLE PROGRAM... AUTHORITY WAS GIVEN TO HOOVER, NOT TO ME," KISSINGER SAID.

TAP ON HALPERIN'S PHONE ACTUALLY WAS PLACED ON MAY 9, DAY A STORY APPEARED IN NYTIMES CONCERNING SECRETE U.S. BOMBING OF CAMBODIA. KISSINGER SAID HE WAS ASKED BY PRESIDENT TO CALL HOOVER AND ASK HIM TO START INVESTIGATION INTO LEAKS THAT DAY.

KISSINGER TESTIFIED HOOVER TOLD HIM THAT AFTERNOON THAT HALPERIN WAS "PRIME SUSPECT," APPARENTLY BECAUSE HE HAD ONCE BEEN A ROOMMATE OF REPORTER WHO WROTE STORY.

"I DID NOT TELL HOOVER HOW TO CONDUCT HIS INVESTIGATION. I ASKED HIM TO CONDUCT AN INVESTIGATION," KISSINGER ADDED.

VARIOUS GOVT DOCUMENTS -- INDICATING KISSINGER HAD SPECIFICALLY ORDERED TAP TO REMAIN IN PLACE ON HALPERIN'S TELEPHONE EVEN AFTER HE HAD LEFT GOVT -- WERE SHOWN TO SECRETARY BUT KISSINGER SAID HE NEVER PLAYED SUCH A ROLE IN WIRETAP PROGRAM.

"I HAVE NO RECOLLECTION OF THIS. AND QUESTION OF CONTINUING SURVEILLANCE DID NOT APPEAR TO ME TO BE IN PURVIEW OF MY OFFICE," KISSINGER SAID IN DEPOSITION.

HE SAID MITCHELL'S STATEMENT THAT KISSINGER CONTROLLED WIRE-TAPS WAS "INCOMPATIBLE WITH FACTS."

INSTEAD, KISSINGER SAID HE HAD "REPEATEDLY ASKED" PRESIDENT TO STOP HAVING INFORMATION ON TAP PROGRAM SENT TO HIS OFFICE

IN MAY 1970, NIXON ORDERED TAP MATERIAL SENT TO HIS TOP POLITICAL ADVISER, HALDEMAN, INSTEAD OF TO KISSINGER. NIXON UNCLASSIFIED

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DENIES, HOWEVER, THAT THIS WAS DONE FOR POLITICAL PURPOSES.

TAP ON HALPERIN'S TELEPHONE REMAINED IN PLACE FOR 21 MONTHS UNTIL FEBRUARY 1971. DURING TIME IT WAS ON HIS PHONE, HALPERIN HAD LEFT WHITE HOUSE AND WAS WORKING FOR VARIOUS DEMOCRATIC OPPONENTS OF NIXON ADMINISTRATION AND ITS POLICIES IN SEASIA.

KISSINGER SAID IN DEPOSITION FILED YESTERDAY THAT MATERIAL HE SAW FROM TAP WAS "BORDERLINE" IN ITS USEFULNESS CONCERNING NATIONAL SECURITY, AND THAT TAP OF HALPERIN NEVER PRODUCED ANY EVIDENCE HE WAS LEAKING GOVT MATERIALS.

ROBINSON

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